

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 754

Introduced by Assembly Member Fletcher

February 17, 2011

An act to add Section 202 to the Elections Code, relating to elective office.

LEGISLATIVE COUNSEL’S DIGEST

AB 754, as amended, Fletcher. Elective office: military service.

Existing law prescribes the manner in which a person may be nominated to run for office, including the form and filing of a declaration of candidacy and nomination paper.

This bill would permit a person who is deployed on active military service outside of the state to have ~~an attorney-in-fact authorized under a power of attorney to complete and file on the deployed person’s behalf~~ a declaration of candidacy, nomination paper, ~~and~~ or any other paper necessary to run for office *filed by an attorney-in-fact who is commissioned and empowered in writing for that purpose through a power of attorney, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 202 is added to the Elections Code, to
- 2 read:
- 3 202. Notwithstanding any other law, ~~if~~ a person who is
- 4 deployed on active military service outside of the state ~~authorizes~~

1 ~~an attorney-in-fact by a power of attorney to complete and file on~~
2 ~~the deployed person's behalf and is unable to appear to file a~~
3 ~~declaration of candidacy, nomination paper, and or any other paper~~
4 ~~necessary for the deployed person to run for office, a~~ *may have*
5 *that declaration or paper completed and filed by the attorney-in-fact*
6 ~~shall be deemed to be completed and filed by the deployed person.~~
7 *by an attorney-in-fact, commissioned and empowered in writing*
8 *for that purpose through a power of attorney. At the time of filing*
9 *the declaration or paper, the attorney-in-fact shall present the*
10 *original power of attorney duly signed by the deployed person.*
11 *The power of attorney shall state the office that the deployed person*
12 *is seeking, including the district number, if any, and shall include*
13 *a declaration that the deployed person meets the statutory and*
14 *constitutional qualifications for office that he or she is seeking*
15 *and that if nominated, the deployed person will accept the*
16 *nomination and will not withdraw. The power of attorney shall*
17 *further state that the power of attorney is solely for the purpose*
18 *of authorizing the attorney-in-fact to file a declaration or paper*
19 *necessary to run for office. The original or a copy of the power of*
20 *attorney shall be filed with and attached to the declaration or*
21 *paper.*